

***DRAFT 3/28/2011 – SUBJECT TO CHANGE
For Review and Adoption by DSC at 4/28-29/2011 Meeting***

**DELTA STEWARDSHIP COUNCIL
March 24-25, 2011
MEETING SUMMARY**

DAY 1: Thursday, March 24, 2011, 10:00 a.m. – 4:30 p.m.

1. Welcome and Introductions

The meeting was called to order at 10:00 a.m., March 24, 2011, by Vice Chair Randy Fiorini.

2. Roll Call – Establish a Quorum (Water Code §85210.5)

Roll call was taken and a quorum was established. The following members were present for the meeting: Nordhoff, Johnston, Gray, Marcus, Fiorini, and Nottoli. Chair Phillip Isenberg arrived at 11:40 a.m. after speaking at the Water Education Foundation's Executive Briefing.

3. Chair's Report

The Chair's Report was deferred because of Chair Isenberg's late arrival.

4. Executive Officer's Report

a. Legislative and Legal Update

Curt Miller presented the Legislative Update.

Christopher Stiles, the Council's legal extern, presented a report on the status of the consolidated salmon and smelt cases. The summary is posted at http://www.deltacouncil.ca.gov/delta_council_meetings/march_2011/Legal_Update_2011_03_24.pdf

b. Department of Fish and Game Update on Proposal Solicitation Package – CALFED Ecosystem Restoration Project

Dave Zezulak, DFG, gave an update to the Council on the Department's Proposal Solicitation Package – CALFED Ecosystem Restoration Project. The deadline for proposals closed on March 1, and 31 proposals, requesting more than \$31 million in funding, were received by the ERP in response to its 2010-11 PSP. Zezulak stated the Department plans to make awards after the fiscal year.

5. Adoption of February 24-25, 2010 Meeting Summary (Action Item)

Vice Chair Fiorini asked if there were any questions or comments from the Council or members of the public on the February meeting summary. Fiorini noted there was a minor error in the title on page one of meeting summary (regarding the meeting time in the title for day 1). Fiorini asked the Council to make the correction on their summaries, and said the meeting summary posted on the web would also be corrected. There were no more questions or comments, and it

was moved (Marcus) and seconded (Gray) to approve the meeting summary as corrected. A vote was (5/0) and the motion passed.

6. Presentation from California Water Commission

Paul Kelley, Vice Chair of the California Water Commission, updated the Council on the role of the Commission as well as its activities outlined in the Commission's 2011 work plan. Kelley also spoke on the Commission's commitment in working with the Council and its role in implementing the Delta Plan.

7. Presentation from Delta Watermaster

This item was deferred until 1:15 p.m. Craig Wilson, Delta Watermaster, presented his second report to the Council. His presentation provided information on the role the State Water Board will play in implementing the Delta Plan. Wilson concluded his presentation by stating he believes the Delta Plan should identify authorities of the State Water Board that may be employed to implement its goals, subgoals, and strategies and that the State Water Board's Bay Delta Plan and Delta Strategic Workplan should be incorporated into the Delta Plan.

8. Delta Plan Development (Note: This item was continued on Friday) (Action Item)

Joe Grindstaff discussed what was in the plan and its schedule for subsequent drafts. Gwen Buchholz discussed EIR alternatives, focusing on their purpose and suggested approaches to EIR alternatives. Buchholz, along with Jim Andrew, Deputy Attorney General, and Ellen Garber, Shute, Milhaly, Weinberger, LLP, took questions and provided answers and clarification on EIR alternatives for the Council.

Following the presentation on EIR Alternatives, Grindstaff summarized Chapters 1 and 2, taking question and comments from the Council.

Cliff Dahm presented a PowerPoint on adaptive management and the Delta Plan. Dahm focused on the background of adaptive management development and gave two examples of adaptive management and cited their definitions. The examples were the Health Waterways Initiative in Australia and its process. The second example cited was the PPIC report, Comparing Futures for the Sacramento San-Joaquin Delta. Dahm's slides included diagrams for the adaptive management framework and governance structures for the Council's discussion. Dahm responded to Council members' questions and comments. Next, Dahm discussed his evaluation for the basis for the policies in the second staff draft Delta plan. Chris Stevens discussed the structure of the plan and stated that there are no legal requirements for using Findings. Dahm stated he believed the policies and recommendations flow from the statute and stated that he believed the findings should lead logically to the policies and recommendations (actions). Dahm also discussed his hand-out that is an evaluation of the basis for the policies in the second staff draft Delta plan.

Member Nordhoff had several comments on the readability of Chapter, such as using present-tense terms throughout the document.

The Council broke for lunch at 12:05 and reconvened at 1:00 and began the discussion on Chapter 3. Grindstaff gave an overview of the Chapter; John Kirlin joined Buchholz and Terry Macaulay for the discussion of Chapter 3, governance plan to support coequal goals. John

Kirlin went through each section of the chapter and responded to questions and provided clarification for the Council. Dan Siegel and Chris Stevens answered the Council's questions and provided clarification on covered actions and other sections within the chapter, including policies.

Next, Grindstaff discussed Chapter 4, Manage Water Resources, beginning with the Water Resources Policies section, answering questions on the section and providing clarification for the Council. The performance measures and targets section was still under development. The last section the Council discussed was the Water Resources Recommendations section

8. Public Comment

Thomas Zuckerman, Central and South Delta Water Agencies, submitted written comments on the second draft Delta Plan. Zuckerman stated he was pleased to see content begin to arrive in the drafts not just organizational structure in the report, but said he has concerns that the visionary plan is becoming a "non-plan" and it has been a statement of prohibitions rather than a prescription for what is we need to have in California to fill the gap between supply and demand. He also spoke on what he felt was the huge floating easement that will be created.

Zuckerman's written comments are posted at

http://www.deltacouncil.ca.gov/docs/correspondence/3_2011/2nd_delta_plan_draft/CDWA_SD_WA_032411.pdf

Ryan Bezerra, Bartkiewicz, Konick & Shanahan, stated he believes there is a need for a more Delta-centered alternative and the message that is being sent is that the Delta is contagious. He said he is having a difficult time assisting his clients in determining what a covered action is. He said with regard to how a consistency determination would be written, he felt the document encourages people not to participate.

Pete Kutras, Delta Counties Coalition, suggested public comments should come after each Chapter reading. He also commented on four points/request for information. 1) Chapter I, page 1, lines 6-11, adamant about quoting statute in its entirety; 2) Lack of reference to public resources code 29702 a-d. Need to insert the word "agriculture" and not just the phrase "agricultural values." 3) BDCP, p.21, lines 24-25 based on 2100 vision – Council should consider relooking at BDCP and bringing it in as a covered action, and 4) Page 22-23 – certification of covered actions, questions the intent timing of the appeal procedure – urged the Council to create a checklist as to what is a covered action. Kutras stated the counties' position is that the counties should retain land use control. Page 31, strike WRP6.

Marguerite Naillon, Contra Costa Water District, commented on the governance plan, adaptive management section – suggesting time limits. Naillon cautioned that if they are implying that adaptive management goes on forever, that a covered action project that is doing mitigation – to her, sounded like they are signing them up for doing an endowment to assure they'll meet their commitments forever. She thought that was not something the regulatory agencies like DFG were not set-up for. Regarding the coequal goals, she stated she believed a specific definition was needed for the goals. Naillon also requested a definition of reliability and water supply. She also commented on self sufficiency and the water recycling policy – she believes water recycling where it is cost effective and works best depends on the region that it is being done. Naillon also encouraged more detail in the emergency preparedness section and stated the District will submit written comments.

Greg Zlotnick, State and Federal Contractors Water Agency, encouraged the Council to get into principles and recommendations rather than regulations. Zlotnick also commented on the role of the Council and its authorities and questioned under what authority the policies would be enforced. He requested clarification on the Water Resources (self reliance section) and reduced exports from the Delta and the intent of the legislation. Zlotnick stated he'll submit his comments in writing.

Brian Campbell, East Bay Municipal Utilities District, stated he will provide written comments. He said more work is necessary on adaptive management and more discussion is necessary on how the Board's flow standards will be incorporated. Regarding finance, Campbell suggested a series of principles and distinguishing benefit within the finance plan. If BDCP is not going to be included in the finance plan, then there should be a version that includes BDCP and one that does not.

Jim Verboon, Verboon Farms, commented on water transfers, lack of reliability and stated he believed unreliable water deliveries add to groundwater overdraft. He stated he felt that export pumps should be reduced in the fall. He went on to state that urban areas are the highest groundwater users where agriculture reduces the amount of water that they pump.

Melinda Terry, North Delta Water Agency, supported both the comments of Zuckerman and Kutras. She felt the coequal goals are not a reference to only two items. (Reference line 7 on page 1). Terry encouraged agencies to include a definition of the Council's role – possibly using the DPC language that they have in their plan to help address the agricultural component. Also, she noted that the plan did not mention improving fishery.

Valerie Kincaid, San Joaquin River Group, commented on WR P1 – clarify difference between public trust and water quality control plan flows. Kincaid stated she will provide written comments and alternative language.

Jonas Minton, Planning and Conservation League, submitted comments on behalf of he Coalition of Environmental, Environmental Justice and Fishing Organizaions and Attachment 1 – 50 pages describing surface waters identified by the SWRCB as "impaired" for one or more beneficial uses. He suggested thinking about it as a dual function. He stated that based on the discussion this afternoon, he gets the sense that this is the first time that the Council has began to grapple with looking at regulations and realizing their role. He questioned the Council on their vision for the Delta and what they believe their role is. Also, with regard to the EIR, he understands that the Council is under very tight timeframes, but he suggested the Council look at the EIR very carefully and asked what the Council could reasonably do.
http://www.deltacouncil.ca.gov/docs/correspondence/3_2011/2nd_delta_plan_draft/Env_Coalition_032411.pdf

Mark Rentz, ACWA, was 1) concerned with expansion of DSC regulations to actions outside the Delta; 2) he felt "Regulator Policies" needed clarification as to adoption. He asked what the Council's scope of responsibilities is. He needed to understand the intention of the boxed language included in the beginning of each chapter. He encouraged each member to read it and ask if it will encourage people to participate or alienate people. He was concerned that the plan will drive people away. Rentz stated he will provide suggested written language.

The meeting concluded for the day at 5:30 p.m.

DAY 2: Friday, March 25, 2011, 9:00 a.m. – 3:30 p.m.

10. Call to Order

The meeting resumed at 9:00 a.m., with Chair Phillip Isenberg presiding.

11. Roll Call – Establish Quorum (Water Code §85210.5)

Roll call was taken and a quorum was established. The following members were present for the meeting: Nordhoff, Gray, Marcus, Fiorini, Nottoli, and Isenberg. Absent: Patrick Johnston.

12. Lead Scientist's Report

The Lead Scientist's Report was presented by Dr. Cliff Dahm. Dahm discussed two articles, one entitled "Atmospheric Rivers, Floods and the Water Resources of California", written by Michael D. Dettinger, Fred Martin Ralph, Tapash Das, Paul J. Neiman, and Daniel R. Cayan, posted at <http://www.mdpi.com/2073-4441/3/2/445/pdf>, and also "Rivers in the Sky", written by Alexandra Witze, posted at http://www.sciencenews.org/view/feature/id/69669/title/Rivers_in_the_sky.

Dahm continued his report by announcing and highlighting three upcoming science events – the IEP 2011 Annual Workshop, the Salmonid Integrated Life-cycle Models Workshop, and the Annual North American Benhological Society. Dahm answered questions from members about these events. Information on these events can be found at http://www.deltacouncil.ca.gov/delta_science_program.

13. Proposal Solicitation Package Approval (Action Item)

Dahm discussed the PSP Approvals. Staff is requesting the Executive Officer to enter into grant agreements for Delta Science Program research projects from the 2010 PSP. Thirteen projects for a total cost of \$7,095,185 over three-year period are recommended for funding. Detailed information on the 2010 PSP is posted at http://deltacouncil.ca.gov/delta_science_program/research/psp_2010.html

Dahm gave background information on the PSP and its process. Following the discussion, Chair Isenberg asked if there were any comments from the public and as there were none, it was moved (Gray) and seconded (Nordhoff) and the motion passed (6/0).

Tom Zuckerman responded to a question on agriculture from Don Nottoli – he referenced a doctoral thesis written in 1957 by John Thompson on the history of farming entitled, "The Settlement Geography of the Sacramento-San Joaquin Delta, California" Thompson's thesis is posted at <http://watershed.ucdavis.edu/pdf/thompson-dissertation%20small.pdf>

Dahm also referenced a 1980 thesis by Dr. Brian Atwater that he believed would also be of interest to the Council members (Atwater, B.F., 1980, Attempts to correlate Late Quaternary climatic records between San Francisco Bay, the Sacramento-San Joaquin Delta, and the Mokelumne River, California: Dover, University of Delaware, Ph.D. dissertation (Dissertation Abstract 80-19923), 214 p.). Dahm stated that Atwater's thesis is a description of the geomorphology and geography of the Delta. Dahm has a copy of the book he would share with any Council member who is interested in reading it, however it is not posted.

14. Delta Independent Science Board Report

Dr. Richard Norgaard, Chair of the Delta Independent Science Board, briefed the Council on the ISB's review of the first staff draft Delta Plan and its comments and suggestions. The comments have been organized into three categories: the broad scientific concerns of the Delta ISB, general guidance applicable to the whole Delta Plan and specific suggestions for improvements in future drafts. The ISB will review the second draft of the plan at its next meeting on April 7-8, 2011.

15. Delta Plan Development (Continuation of Agenda Item 8, if necessary)

The discussion of the Delta Plan resumed, continuing with Chapter 4, P7 that included a lengthy discussion on surface storage studies. The Council discussed the fact that storage and conveyance is critical to ecosystem health and the history of the Integrated Surface Storage Investigations. After the discussion on the storage investigations, the Council continued discussing each policy and recommendation in the chapter. Grindstaff and Gwen Buchholz responded to questions and provided clarification on the policy statements and recommendations

Public comment on Chapter 4 was provided by:

Pete Kutras, Delta Counties Coalition, stated BDCP needs guidance for input to the Council and requested guidance. He also commented on WR Recommendation 3.

Jim Verboon, Verboon Farms, submitted language for chapter 1, line 30. Chair Isenberg, however, pointed out that language quoted statute and can't be changed. Verboon and Chair Isenberg discussed pumping and water deliveries.

Osha Meserve, Local Agencies of the North Delta, commented on WR P3 and is concerned about agricultural areas. She is specifically concerned about the words "water balance". The agencies have been working with the Delta Watermaster on this definition. WR P6 the concern was that the alignment of the conveyance facility is "all over the Delta". The overall concern is how people will continue operations while the plans are in progress. Meserve also commented on WR R1. She is concerned that policies should not promote BDCP. Chair Isenberg requested written policy suggestions.

Following public comment on Chapter 4, Lauren Hastings and Dave Zezulak joined the Macaulay and Buchholz for the discussion of Chapter 5, Ecosystem Restoration. Each policy and recommendation was discussed and the panel responded to questions and comments from the Council. Regarding ER P5 – Council would like all repetitive language standardized.

Public comment on Chapter 5 was provided by:

Connie Ford, Sacramento County Water Resources, stated the Conservancy has an Interim Strategic Plan and can begin participating.

Tom Zuckerman, South and Central Delta Water Agency, commented that he is concerned that the Council is creating a perception of a "huge floating easement" in the Delta and a comment made by one of the lawyers negated the whole thing. He believes the Council should do a responsible job so that they don't screw everything up. He suggested that the Council be more

specific of where in the maps they are talking about and to also come up with a finance plan. He suggested the Council start with a plan that is within its grasp and asks what it can achieve rather than putting the "green blobs" all over the map and destroy the Delta and cause the people of the Delta to go broke.

Jonas Minton, Planning and Conservation League, stated he believes the Council should be precise on the kind of uses that are under regulatory control.

Following public comment, the Council recessed for lunch at 1:00 resuming the discussion of Chapter 6 at 1:32. Gwen Buchholz led the discussion beginning with the Water Quality Policy and followed with the recommendations. Buchholz heard comments from the Council and answered questions.

Public comment on Chapter 6 was provided by:

Linda Dorn, Sacramento Regional County Sanitation District, commented on the Water Quality Policy and Recommendations. Dorn stated the Sanitation District has substantial comments for this section on the Findings. She questioned if the ISB was going to review the Water Quality Findings and she is concerned on the timing of their review. She also requested clarification on the TMDL's compliance.

Connie Ford, Sacramento County Water Agency, commented that TMDL program implementation is expensive and is concerned with the costs.

Gwen Buchholz began the discussion on Chapter 7, discussing each policy, and followed with the recommendations. Buchholz responded to questions and comments from the Council members, including comments on the table of levee classifications based on land uses.

Following the discussion, public comment was provided by:

Jessica Ludy, American Rivers, commented on adding the definition of flood-prone to the glossary. Also she commented on how informed the public is regarding flooding. American Rivers suggests a graduated insurance and also believes that calling out managing residual risks would be helpful. Regarding RP6, she suggested that lands east of the Sacramento deep water ship channel should be included.

Chapter 8 was discussed next. Buchholz summarized the chapter and went over the two policies and the three recommendations. Nottoli presented the Chair with a letter from the DPC and updated the Council on the schedule of the Economic Sustainability Plan and the DPC meeting held the night before.

http://www.deltacouncil.ca.gov/docs/correspondence/3_2011/other_correspondence/DPC_032411.pdf

Chair Isenberg noted that some attention should be paid to agriculture and eco-friendly agriculture.

16. Public Comment

Connie Ford, Sacramento County Water Resources. Ford stated she has observed the ISB in action. They have participated in waterway restoration in world-wide programs.

Todd Manley, Northern California Water Association, provided general comments on the draft plan. He feels that there is great value in having a Plan that relates directly to the Delta. He stated that the policies and recommendations are confusing. He asked are they are requiring something new outside of SBX71 or are they already included?

Pete Kutras, Delta Counties Coalition, requests clarification as to whether the Counties (5 counties and 5 cities) will be able to participate at the April workshop, a morning session, and make presentations on their land use policies.

17. Preparation for Next Council Meeting – Discussed (a) expected agenda items; (b) new work assignments for staff; (c) requests of other agencies; (d) other requests from Council members; and (e) confirmed next meeting date – April 14-15 Workshop, to be held at the Holiday Inn Capitol Plaza in Downtown Sacramento.

The meeting adjourned at 4:00.